



THE UNITED STATES PATENT AND TRADEMARK OFFICE

#11

7/25/94

NLF

(H.E.)

Applicants: Jannis G. Stavrianopoulos et al.

Serial No. 07/967,646

Group Art Unit: 1807

Filed: October 28, 1992

Examiner: Ardin H. Marschel, Ph.D.

For: **COMPOSITION AND KIT EMPLOYING CHEMICALLY LABELLED
POLYNUCLEOTIDE PROBES (As Amended)**

575 Fifth Avenue, 18th Floor
New York, New York 10017

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

TERMINAL (STATUTORY) DISCLAIMER

I, Barry W. Weiner, Executive Vice President of ENZO DIAGNOSTICS, INC., a New York corporation with offices, research facilities and principal place of business at 60 Executive Boulevard, Farmingdale, New York 11735-4716, and a wholly-owned subsidiary of ENZO BIOCHEM, INC., also a New York corporation, represent that ENZO DIAGNOSTICS, INC. is the assignee and exclusive owner of the entire right, title and interest of, in and to:

- (1) U.S. Patent No. 4,994,373 that issued on February 19, 1991, for "Methods and Structures Employing Chemically Labelled Polynucleotide Probes," based on U.S. Patent Application Serial No. 07/385,986, that was filed on July 20, 1989, the latter being a continuation of U.S. Patent Application Serial No. 06/732,374, filed on May 9, 1985, abandoned, which was a continuation of U.S. Patent Application Serial No. 06/461,469, filed on January 27, 1983, also abandoned; and
- (2) the above-identified U.S. Patent Application Serial No. 07/967,646, (hereinafter "the subject application") for "Composition and Kit Employing Chemically Labelled Polynucleotide Probes," that was filed on October 28, 1992 as a continuation of U.S. Patent Application Serial No. 07/607,347, filed on October 30, 1990, now abandoned, the latter being a continuation of the aforementioned U.S. Patent Application Serial No. 07/385,986, filed on July 20, 1989;

both by virtue of an assignment that was recorded with the United States Patent and Trademark Office on April 17, 1991 at Reel 5673, Frames 0274 +, in connection with the aforementioned U.S. Patent No. 4,994,373 and U.S. Patent Application Serial No. 07/607,347. A copy of the assignment recorded on April 17, 1991 and the subsequent Recordation of Assignment Document indicating its recordation is attached to this Terminal (Statutory) Disclaimer as Exhibit A. Prior to the assignment recorded on April 17, 1991, ENZO BIOCHEM, INC. was the assignee and exclusive owner of the entire right, title and interest to the aforementioned U.S. Patent Application Serial No. 06/461,469 by virtue of an assignment from the inventors named on the application. The assignment from the inventors was recorded with the United States Patent and Trademark Office on January 27, 1983 at Reel 4094, Frames 0509 +. A copy of the assignment recorded on January 27, 1983 clearly indicating its aforementioned recordation is attached hereto as Exhibit B. As the assignee, Enzo Diagnostics, Inc., through the undersigned, has reviewed the evidentiary documents and certifies, to the best of its knowledge and belief, that title is in the assignee seeking to take action.

Enzo Diagnostics, Inc. hereby disclaims the terminal part of any patent granted on the subject application, which would extend beyond the expiration date of U.S. Patent No. 4,994,373, also assigned to and owned by Enzo Diagnostics, Inc., as described above and supported by attached Exhibits A and B. Enzo Diagnostics, Inc. hereby agrees that any patent so granted on the subject application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 4,994,373, this agreement to run with any patent granted on the subject application and to be binding upon the grantee, its successor or assigns.

Attached to this paper is a completed, signed certificate Under 37 C.F.R. §3.73(b) as set forth in the Federal Register on July 6, 1992 (Vol. 52, No. 129, 29634-29648), and in the Official Gazette on July 28, 1992.

A fee of \$110.00 for other than small entity is required under 37 C.F.R. §1.20 ("Post issuance fees") in connection with the filing of this Terminal (Statutory) Disclaimer. The Patent Office is hereby authorized to charge Deposit Account 05-

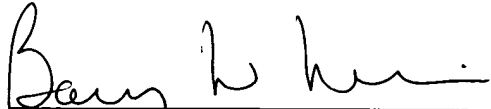
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1135 for the requisite fee of \$110.00 (and any additional fees hereof) and to credit any overpayment thereto.

ENZO DIAGNOSTICS, INC.

Signed at New York, New York
this 21st day of April, 1994

By:



Barry W. Weiner
Executive Vice President and duly
authorized to sign on behalf of
ENZO DIAGNOSTICS, INC.

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